

FILED

UNITED STATES COURT OF APPEALS

JAN 06 2009

FOR THE NINTH CIRCUIT

MOLLY C. DWYER, CLERK
U.S. COURT OF APPEALS

ALAN MERRIFIELD, an individual;
URBAN WILDLIFE MANAGEMENT
INC., a California corporation individually
as successor in interest to Alan Merrifield
dba Urban Wildlife Management;
CALIFORNIA NUISANCE WILDLIFE
CONTROL OPERATORS
ASSOCIATION, a California non-profit
corporation,

Plaintiffs - Appellants,

v.

BILL LOCKYER, Attorney General,

Defendant,

and

KELLI OKUMA, Registrar of the
California Structural Pest Control Board;
GRETCHEN A. BRIGAMAN, Protest
Officer of the California Department of
Transportation; JEAN MELTON, Member
of the California Structured Pest Control
Board; BILL MORRIS, Member of the
California Structural Pest Control Board;
MICHAEL ROTH, Member of the
California Structural Pest Control Board;
MUSTAPHA SESAY, Member of the
California Structural Pest Control Board;
THURMAN, Member of the California
Structural Pest Control Board; KENNETH

No. 05-16613

D.C. No. CV-04-00498-MMC
Northern District of California,
San Francisco

ORDER

L. TRONGO Member of the California
Structural Pest Control Board,

Defendants - Appellees.

Before: O'SCANNLAIN, HAWKINS, and WARDLAW, Circuit Judges.

The panel has voted to deny the petition for panel rehearing and to deny the petition for rehearing en banc. Judges O'Scannlain and Wardlaw voted to deny the petition for rehearing and to deny the petition for rehearing en banc. Judge Hawkins voted to grant the petition for panel rehearing and to grant the petition for rehearing en banc.

The full court has been advised of the petition for rehearing en banc and no judge has requested a vote on whether to rehear the matter en banc. Fed. R. App. P. 35.

The petition for panel rehearing and the petition for rehearing en banc are denied. No further petitions for panel rehearing or petitions for rehearing en banc may be filed.